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July 7, 2006

## ***FILED VIA ECFS***

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Room TW-A325  
Washington, DC 20554

**Re:        MB Docket No. 03-15**  
**KWES-TV, Odessa, Texas (FIN-42007)**  
**Request for Waiver of July 1, 2006 Construction Deadline**

Dear Ms. Dortch:

On behalf of Midessa Television, LP, licensee of KWES-TV, Odessa, Texas, this letter respectfully requests a waiver of the July 1, 2006 replication deadline. Currently, KWES-DT is operating on DTV Channel 13 with a lower power DTV facility pursuant to special temporary authority ("STA"). See FCC File No. BEDSTA-20060209AEW. KWES-TV has a tentative channel designation for a channel other than its current DTV channel, namely Channel 9, its present analog channel. KWES-DT's STA facility complies with paragraph 78 of the Commission's *Second DTV Periodic Review Report and Order*<sup>1</sup> as it provides DTV service to at least 80% of the number of viewers served by the 1997 facility on which replication coverage was based. Accordingly, KWES-DT has complied with the Commission's July 1, 2006 "use-it or lose-it" replication deadline, and the station will be afforded interference protection for its full DTV facilities, which it will construct and operate on its permanent DTV channel in the future.

<sup>1</sup> Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order, 19 FCC Rcd 18279, 18314-25, para. 78 (2004).

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Consistent with the Commission's Public Notice,<sup>2</sup> KWES-DT has filed an FCC Form 301-DT application seeking a minor modification of its underlying DTV construction permit in order to change the authorized parameters to reflect the current STA facilities. That modification application remains pending. *See* FCC File No. BMPCDT-20060621AAG. Once that modified construction permit is granted, Midessa will file an FCC Form 302-DT license application seeking a license for the present STA facilities. As Midessa is unable to file a covering license application until the minor modification is granted, a brief extension of the July 1, 2006 is respectfully requested to the extent the FCC deems such an extension necessary. As noted above, the station's current operations satisfy the July 1, 2006 replication requirement.

If there are any questions regarding this request, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brendan Holland', written over a horizontal line.

Brendan Holland

cc: Shaun Maher (via hand delivery)  
Enclosure

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<sup>2</sup> DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline, Public Notice, DA 06-1255, released June 13, 2006.